

Senate Bill 294

By: Senators Murphy of the 27th, Mullis of the 53rd, Tippins of the 37th, Crane of the 28th, Gooch of the 51st and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to
2 electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and
3 utility contractors, so as to provide that a person licensed as an Electrical Contractor Class
4 II may perform low-voltage contracting without obtaining a state-wide Low-voltage
5 Contractor Class LV-A, LV-G, LV-U, or LV-T license; to provide for definitions; to change
6 certain provisions related to the powers and duties of the Division of Electrical Contractors;
7 to change certain provisions related to the duties of the State Construction Industry Licensing
8 Board; to change certain provisions relating to the license requirements for low-voltage
9 electrical contracting and applications therefor; to change certain provisions related to the
10 powers and duties of the Division of Low-voltage Contractors; to provide for related matters;
11 to provide an effective date; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to electrical
15 contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility
16 contractors, is amended by adding a new paragraph and revising paragraph (10.2) of Code
17 Section 43-14-2, relating to definitions relative to electrical contractors, plumbers,
18 conditioned air contractors, low-voltage contractors, and utility contractors, as follows:

19 "(5.1) 'Division' means the five divisions of membership of the State Construction
20 Industry Licensing Board created in Code Section 43-14-3, except as otherwise provided
21 in Code Sections 43-14-8.1 and 43-14-8.2. 'Division' shall not have the same meaning
22 as provided in Code Section 43-1-1."

23 "(10.2) 'Low-voltage contractor' means an individual who is engaged in low-voltage
24 contracting under express or implied contract or who bids for, offers to perform, purports
25 to have the capacity to perform, or does perform low-voltage contracting services under

express or implied contract. ~~An employee of a low-voltage contractor who receives only a salary or hourly wage for performing low-voltage contracting work shall not be required to be licensed under this chapter, except that those employees upon whom the qualification of a partnership, limited liability company, or corporation rests as outlined in subsection (b) of Code Section 43-14-8.1 shall be licensed."~~

SECTION 2.

Said chapter is further amended by revising paragraph (1) of subsection (a) of Code Section 43-14-6, relating to the power and duties of divisions within the State Construction Industry Licensing Board, as follows:

"(1) Approve examinations for all applicants for licenses or certificates, except for utility contractor licenses and utility foreman certificates. The Division of Electrical Contractors shall approve separate examinations for Class I and Class II licenses. Class I licenses shall be restricted to electrical contracting involving multifamily structures of not more than two levels or single-family dwellings of up to three levels. In addition, the structures shall have single-phase electrical installations which do not exceed 400 amperes at the service drop or the service lateral. Class II licenses shall be unrestricted as to electrical contracting and shall also permit the licensee to engage in all types of low-voltage contracting without restriction and without obtaining a license as a low-voltage contractor. The Division of Master Plumbers and Journeyman Plumbers shall approve separate examinations for Master Plumber Class I, Master Plumber Class II, and Journeyman Plumbers. Master Plumber Class I licenses shall be restricted to plumbing involving single-family dwellings and one-level dwellings designed for not more than two families and commercial structures not to exceed 10,000 square feet in area. Master Plumber Class II licenses shall be unrestricted. The Division of Conditioned Air Contractors shall approve separate examinations for Class I and Class II licenses. Class I licenses shall be restricted to the installation, repair, or service of conditioned air systems or equipment not exceeding 175,000 BTU (net) of heating and five tons (60,000 BTU) of cooling. Class II licenses shall be unrestricted. The Division of Low-voltage Contractors shall approve separate examinations for Low-voltage Contractor Class LV-A, Low-voltage Contractor Class LV-T, Low-voltage Contractor Class LV-U, and Low-voltage Contractor Class LV-G. Class LV-A licenses shall be restricted to alarm and general system low-voltage contracting, Class LV-T licenses shall be restricted to telecommunication and general system low-voltage contracting, Class LV-G licenses shall be restricted to general system low-voltage contracting, and Class LV-U licenses shall be unrestricted and permit the performance of alarm, telecommunication, and general system low-voltage contracting;"

SECTION 3.

Said chapter is further amended by revising subsections (k) and (l) of Code Section 43-14-8, relating to the licensing required for electrical, plumbing, or conditioned air contracting, businesses conducted by partnerships, limited liability companies, and corporations, applications, and review courses, as follows:

~~"(k) The board shall notify each local governing authority of the provisions of this chapter relating to licensure, especially the provisions of subsection (d) of this Code section. The board shall notify such governing authorities that after September 30, 1983, any person desiring a license to engage in a profession covered by this chapter shall be required to pass an examination as provided in this chapter.~~

~~(k)~~ Any applicant for licensure standing the examination on and after July 1, 1989, who fails the examination for licensure twice after such date shall be required to present satisfactory evidence to the appropriate division that the applicant has completed a board approved review course before such applicant will be admitted to a third examination. If such applicant fails the examination a third time, the applicant shall not be required to complete additional board approved review courses prior to taking subsequent examinations."

SECTION 4.

Said chapter is further amended by revising Code Section 43-14-8.1, relating to the license requirements for low-voltage electrical contracting and applications therefor, as follows:

"43-14-8.1.

(a) For purposes of this Code section only, 'division' means the 'Division of Low-voltage Contractors.'

(b) No person shall engage in alarm system, general system, or telecommunication system low-voltage contracting unless such person has a valid license therefor from the Division of Low-voltage Contracting or is licensed under this chapter as an Electrical Contractor Class II; provided, however, that an employee of a low-voltage contractor who receives only a salary or hourly wage for performing low-voltage contracting work shall not be required to be licensed under this chapter or to take the examination or otherwise qualify under this chapter, unless such employee is one upon whom the license of a partnership, limited liability company, or corporation depends as outlined in subsection (e) of this Code section. Any person who is licensed under this chapter as an Electrical Contractor Class II shall not be required to comply with or meet any requirements contained in subsections (c) through (g) of this Code section in order to engage without restriction in all types of low-voltage contracting.

(c) Any person desiring to qualify under the provisions of this subsection who meets the requirements of this subsection, submits proper application prior to and including ~~December 31, 1984~~ July 1, 2014, and pays or has paid the required fees and is not otherwise in violation of this chapter shall be issued a state-wide Low-voltage Contractor Class LV-A, LV-G, LV-U, or LV-T license without examination. An individual desiring to obtain Low-voltage Contractor Class LV-T shall submit to the division an affidavit which outlines the experience of ~~said~~ such individual in the practice of low-voltage wiring relating to telecommunication systems. An individual desiring to obtain a Low-voltage Contractor Class LV-A license shall submit to the division an affidavit which outlines the experience of ~~said~~ such individual in the practice of low-voltage wiring relating to alarm systems. An individual desiring to obtain a Low-voltage Contractor Class LV-G license shall submit to the division an affidavit which outlines the experience of ~~said~~ such individual in the practice of low-voltage wiring relating to general systems. Each such affidavit for licensure shall describe in detail the installation of at least three complete low-voltage wiring jobs which shall demonstrate that the individual has successfully performed low-voltage wiring in the area of licensure requested for a period of at least one year immediately prior to the time of application. An individual desiring to obtain a Low-voltage Contractor Class LV-U license shall submit to the division an affidavit which outlines the experience of ~~said~~ such individual in the practice of low-voltage wiring relating to alarm and telecommunication systems and which describes in detail the installation of at least six complete low-voltage wiring jobs, three in alarm and three in telecommunication systems, which shall demonstrate that the individual has successfully performed low-voltage wiring in those areas for a period of at least one year immediately prior to the time of application.

(d) The decision of the division as to the necessity of taking the examination or as to the qualifications of applicants taking the required examination shall, in the absence of fraud, be conclusive. All individuals, ~~partnerships, limited liability companies, or corporations~~ desiring to engage in the vocation of low-voltage contracting after ~~December 31, 1984~~ July 1, 2014, shall take the examination, and qualify under this Code section, and be issued a license before engaging in such vocation, except as provided in subsection (b) of this Code section.

(e) No partnership, limited liability company, or corporation shall ~~have the right to be issued a license to~~ engage in the business of low-voltage contracting unless there is regularly connected with such partnership, limited liability company, or corporation a ~~person or persons, at least one person licensed under this chapter who is~~ actually engaged in the performance of such business on a full-time basis and supervising the low-voltage systems installation, repair, alteration, and service work of all employees of such

partnership, limited liability company, or corporation, ~~who have valid licenses issued to them as provided in this chapter.~~ In cases where a partnership, limited liability company, or corporation has more than one office location from which low-voltage contracting is performed, the partnership, limited liability company, or corporation shall have a separate license for each location and shall have stationed in each office location at least one person ~~stationed in each branch office of such partnership, limited liability company, or corporation,~~ licensed under this chapter actually engaged in the performance of low-voltage contracting on a full-time basis and supervising the low-voltage wiring systems installation, repair, alteration, and service work of all employees of such ~~branch office locations, shall have a valid license issued as provided in this Code section~~ location.

(f) It shall be the duty of all partnerships, limited liability companies, and corporations ~~qualified~~ licensed under this Code section to notify the division, in accordance with board rules, of severance of connection with such partnership, limited liability company, or corporation of any person or persons upon whom the ~~qualification~~ license of any such partnership, limited liability company, or corporation ~~rested~~ depended.

(g) All applicants for examinations and licenses provided for by this Code section and all applicants for renewal of licenses under this Code section shall be required to fill out a form which shall be provided by the division, ~~which form shall show~~ that shows whether or not the applicant is an individual, partnership, limited liability company, or corporation and, if a partnership, limited liability company, or corporation, the names and addresses of the partners or members or the names and addresses of the officers, when and where formed or incorporated, and such other information as the division in its discretion may require. All forms of application for renewal of licenses shall also show whether or not the applicant, if it is a partnership, limited liability company, or corporation, still has connected with it a duly qualified person holding a license issued by the division.

~~(h) The division shall notify each local governing authority of the provisions of this chapter relating to licensure, especially the provisions of subsection (b) of this Code section. The division shall notify such governing authorities that after December 31, 1984, any person desiring a license to engage in the vocation of low-voltage contracting shall be required to pass an examination as provided in this chapter."~~

SECTION 5.

This Act shall become effective on July 1, 2014.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.